

FIDUCIARY BOARD

Meeting Agenda – Tuesday, October 3, 2017

Arizona Supreme Court -1501 West Washington Street

Phoenix, Arizona 85007 – 2:00 P.M. Conference Room 109

General Inquiries Call: 602-452-3378 (Certification and Licensing Division Line)

Members of the Public May Attend Meeting in Person

For any item listed on the agenda, the Board may vote to go into Executive Session for advice of counsel and/or to discuss records and information exempt by law or rule from public inspection, pursuant to the Arizona Code of Judicial Administration, Code Section 1-202(C).

CALL TO ORDER*Deborah Primock, Chair*

1) PENDING COMPLAINTS.....*Division Staff*

1-A: Update regarding complaint numbers 17-0018, 17-0019 and 17-0020 involving licensees Ayudando Alpha, Inc. and Bradley Torch.

1-B: Review, discussion and possible action regarding settlement offer of Fred Brinckerhoff concerning complaint number 14-0012.

2) INITIAL LICENSURE AND ELIGIBILITY.....*Division Staff*

2-A: Review, discussion and possible action regarding the following applications for initial individual licensure:

1. Brett Howard
2. Jennifer Leitch

2-B: Review, discussion and possible action regarding the following applications for initial business licensure and renewal of individual licensure:

3. San Pedro Fiduciary Services, LLC (Designated Principal, Paul Melo)
4. Paul Melo

3) RENEWAL OF LICENSURE APPLICATIONS..... *Division Staff*

3-A: Review, discussion and possible action regarding the following applications for renewal of individual and business entity licensure:

1. Entrust Fiduciary Services, Inc. (Lisa Price)
2. Lisa Price

4) LICENSURE AND ELIGIBILITY.....*Division Staff*

4-A: Review, discussion, and possible action regarding the voluntary surrender of licensure received from Kathryn Munro.

4-B: Review, discussion and possible action regarding request for placement on Inactive Status from the following licensed fiduciaries:

1. Sherry Reed
2. Brian Tetrault

5) ADMINISTRATIVE ISSUES *Division Staff*

5-A: Review, discussion and possible action regarding the establishment of the 2018 Board meeting schedule.

CALL TO THE PUBLIC*Deborah Primock, Chair*

ADJOURN.....*Deborah Primock, Chair*

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1) PENDING COMPLAINTS

I-A: Update regarding complaint numbers 17-0018, 17-0019 and 17-0020 involving licensees Ayudando Alpha, Inc. and Bradley Torch.

Staff will provide information at the meeting.

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1) PENDING COMPLAINTS

1-B: Review, discussion and possible action regarding settlement offer of Fred Brinckerhoff concerning complaint number 14-0012.

Staff will present information at the meeting.

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2) INITIAL LICENSURE AND ELIGIBILITY

2-A: Review, discussion and possible action regarding the following applications for initial individual licensure:

1. Brett Howard applied for initial fiduciary licensure. Mr. Howard successfully passed the program examination and has submitted a completed application demonstrating that he meets the minimum education and experience requirements and has completed the required fiduciary professional training.

The Division recommends approval of initial fiduciary licensure for Brett Howard.

2. Jennifer Leitch applied for initial fiduciary licensure. The applicant successfully passed the program examination and has submitted a complete application demonstrating that she meets the minimum education and experience requirements. The applicant has also attended the fiduciary professional training. Ms. Leitch failed to disclose a 2009 Maricopa County Superior Court case in which she is listed as the plaintiff, regarding a dispute for an incorrect property appraisal. Ms. Leitch stated that she forgot to disclose the case because she “didn’t think it was a court case” and “it was a long time ago.” Ms. Leitch further stated, “I apologize for the fact that I simply forgot this matter, which at the time, felt more like a bureaucratic hurdle than an actual legal matter.”

Division recommends the Board grant initial fiduciary licensure to Jennifer Leitch with the standard non-disclosure language.

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2) INITIAL LICENSURE AND ELIGIBILITY

2-B: Review, discussion and possible action regarding the following applications for initial business licensure and renewal of individual licensure:

1. San Pedro Fiduciary Services, LLC (Designated Principal, Paul Melo) has applied for initial business fiduciary licensure. The applicant has submitted a complete application demonstrating that it meets the minimum requirements.

The Division recommends approval of initial fiduciary licensure for San Pedro Fiduciary Services, LLC.

2. Paul Melo applied for renewal of his individual fiduciary license. In his renewal application he answered “Yes” that he had met the continuing education (“CE”) requirements. Mr. Melo was randomly audited and selected to produce his CE to Division Staff. Mr. Melo reported 20 hours of CE including three (3) hours of ethics. All of the CE that Mr. Melo submitted to Division was in the form of self-study.

ACJA § 7-202(L)(4)(g) provides:

“Self Study. A fiduciary may receive continuing education credit for self study, including correspondence courses, procedure manuals, video and audio tapes, on-line computer seminars, and other methods of independent learning. The self study shall have accompanying written materials. A fiduciary shall not receive credit for simply reading books, seminar materials or other printed materials. A fiduciary may receive a maximum of five continuing education credits for self study in any one renewal period. A fiduciary shall not use self study as the qualifying method for the three hours of ethics credit during the renewal cycle. A fiduciary shall document the continuing education credit for self study on a form approved and provided by the board.”

Furthermore ACJA § 7-202(L)(4)(b)(11) provides:

“Ethics for fiduciaries, including cooperation with lawyers, judges and fellow fiduciaries, professional attire, courtesy and impartiality to all litigants, information vs. legal advice and public relations. A fiduciary shall complete a minimum of three hours of ethics continuing education during each renewal cycle as part of the total required hours. The three hours of ethics must stand alone and may only be credited as ethics and not as a portion of the other seventeen hours of required continuing education.”

Based on the code provisions, Mr. Melo would be short by 10 hours including the three (3) hours in ethics. Division recommends approval of renewal of the fiduciary licensure for Paul Melo with the following continuing education remedial actions. On or before May 31, 2018, the applicant will provide to Division proof of an additional 10 hours of CE including the three (3) hours of ethics to be completed for the present licensure period. The 10 hours of CE earned during this renewal period shall not be in the form of self-study and will not count towards current requirements.

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3) RENEWAL OF LICENSURE APPLICATIONS

3-A: Review, discussion and possible action regarding the following applications for renewal of individual and business licensure:

The following individual and business license holders have submitted applications for renewal of licensure. The applications are complete and they meet the minimum eligibility requirements. It is recommended renewal of licensure be granted to the following:

1. Entrust Fiduciary Services, Inc. (Lisa Price)
2. Lisa Price

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4) LICENSURE AND ELIGIBILITY

4-A: *Review, discussion, and possible action regarding the voluntary surrender of licensure received from Kathryn Munro.*

Kathryn Munro, License Number 20730, was granted licensure on June 1, 2014. On July 31, 2017, the Division received Ms. Munro's request to voluntarily surrender her license.

ACJA § 7-201(E)(7) reads:

A certificate holder in good standing may surrender their certificate to the board. However, the surrender of the certificate is not valid until accepted by the board. The board or division staff may require additional information reasonably necessary to determine if the certificate holder has violated any provision of the statutes, court rules and this section or the applicable section of the ACJA. The surrender does not prevent the commencement of subsequent discipline proceedings for any conduct of the surrendered certificate holder occurring prior to the surrender.

Division records indicate there are no pending complaints against her license.

It is recommended the Board accept the request of Ms. Munro to voluntarily surrender her license.

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4) LICENSURE AND ELIGIBILITY

4-B: Review, discussion and possible action regarding request for placement on Inactive Status from the following licensed fiduciaries:

1. Sherry Reed, License Number 20028
2. Brian Tetrault, License Number 20746

The Division has confirmed there are no pending complaints filed against the above-named licensees.

The Division recommends that the Board accept the requests and place the above-named licensees on Inactive Status.

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5) ADMINISTRATIVE ISSUES

5-A: *Review, discussion, and possible action regarding the establishment of the 2018 Board meeting schedule.*

The Fiduciary Board is asked to consider and approve the 2018 meeting calendar.

Therefore, it is recommended the 2018 meeting calendar be set as follows:

January 11, 2018
March 8, 2018
May 10, 2018
July 12, 2018
September 6, 2018
November 15, 2018